

DECLARATION, POWER OF ATTORNEY, AND PETITION

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated immediately below next to my name;

Full name of inventor: Merrill A. Biel  
Residence (City/State): Mendota Heights, Minnesota  
Mailing Address: 2715 Fourth Street Southeast  
Minneapolis, MN 55414

Citizenship: United States

I believe I am an original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PHOTODYNAMIC CELLULAR AND ACELLULAR ORGANISM ERADICATION UTILIZING A PHOTSENSITIVE MATERIAL AND BENZALKONIUM CHLORIDE, the specification of which is attached hereto;

I state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein;

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), including any public use, sale, or offer for sale of the disclosed invention occurring more than one year prior to the filing date of said prior application.

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed pursuant to §119 (a) or of any provisional patent application(s) listed pursuant to §119(e) and have identified any such application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: **none**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No. 09/139,866, filed August 25, 1998, now U.S. Pat. No. 6,251,127;

U.S. Serial No. 09/514,070, filed February 26, 2000, pending; and

U.S. Serial No. 09/792,578, filed February 23, 2001, pending.

10026198-122101

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, John F. Klos, Registration No. 37,162 and Fulbright & Jaworski L.L.P. 225 South Sixth Street, Suite 4850, Minneapolis, MN 55402 my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith and the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continuation, continuation-in-part, divisional, reexamination, or reissue thereof.

All communications shall be addressed to:

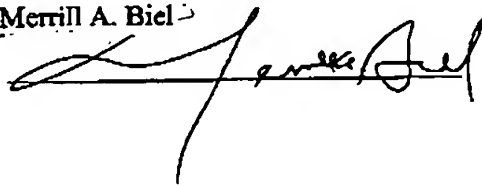
John F. Klos, Attorney Registration No. 37,162  
Fulbright & Jaworski L.L.P.  
225 South Sixth Street  
Suite 4850  
Minneapolis, MN 55402  
Telephone: (612) 321-2806

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the above-referenced specification and claims, and I hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

Full name of inventor:

Merrill A. Biel

Inventor's signature:



Date: December 13, 2001.

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